



Legal Department

CITY OF CONROE

Est. 1904

August 9, 2019

Samuel Sinyangwe
Care of: MuckRock News
Department MR 77216
411A Highland Avenue
Somerville, MA 02144-2516
77216-56649558@requests.muckrock.com

RE: Request for Information

Dear Mr. Sinyangwe,

The City of Conroe Police Department is in receipt of your request on July 23, 2019. On July 24, 2019, the Department sent you a request for clarification and a response was received July 26, 2019.

Material responsive to your request is attached. With respect to your request number 6 (The current union contract between the city and any police unions or association), this Department does not have information responsive to this request. With respect to your request outlined in numbers 7 and 8, that information is provided at the following website address:

<https://www.cityofconroe.org/departments/police-department-home-page/peace-officer-involved-shooting-reports>

Finally, additional material that may be responsive to your request is being compiled and reviewed and will be provided and/or submitted to the Attorney General for an opinion on or before August 23, 2019.

Sincerely,

Michael T. Garner
Assistant City Attorney

MuckRock News
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411A Highland Ave
Somerville, MA 02144-2516
77216-56649558@requests.muckrock.com

Conroe Police Department
Texas Public Information Act Office
2300 Plantation Dr
Conroe, TX 77303

July 26, 2019

This is a follow up to a previous request:

-- Hi, this is a response to your question for clarification regarding the policy manual. For this aspect of the request, I'm requesting all policies regarding use of force specifically. ---

-Sam

Filed via MuckRock.com
E-mail (Preferred): 77216-56649558@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 77216
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 24, 2019:
Subject: Your PIR Received 07/23/2019 - Request to Clarify
Mr. Samuel Sinyangwe,

Attached is your PIR requested received by the Conroe Police Department on 07/23/2019 and a letter requesting a clarification with respect to your request no. 5. A copy of the attached letter will also be mailed to the address indicated in your PIR.

Thank you, Mike Garner

[cid:image002.png@01D164AA.C8D6BFF0]

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"To protect and serve the citizens of Conroe
and exceed their expectations."

On July 12, 2019:
Subject: Texas Public Information Act Request: Texas police data (Conroe Police Department)

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

1. The total number of police use of force incidents, broken down by type of force used, between 2013-2018 (separated by year).
2. The total number of people that police used force against, between 2013-2018 (separated by year).
3. A copy of all complaints reported by civilians against police between 2013-2018.
4. A copy of any documents indicating whether the civilian complaints identified in request #3 were sustained.
5. The policy manual of the police department.
6. The current union contract between the city and any police unions or police associations.
7. All records regarding police shootings (including fatal police shootings, non-fatal police shootings and police shootings at a civilian that missed) between 2013-2018, including incident-level information specifying the date of each incident, race and gender of all subjects involved, what weapon if any they were armed with, any injuries or deaths resulting from the incident, the names of all officers involved, whether administrative investigations found the incidents to be justified under police department policy and any disciplinary actions taken against the officers as a result of the incident.
8. All records regarding civilian deaths or serious injuries resulting from police use of force between 2013-2018, including incident-level information specifying the date of each incident, race and gender of all subjects involved, what weapon if any they were armed with, any injuries or deaths resulting from the incident and the names of all officers involved.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Use of Force Stats

2013

Total Use of Force = 148

Number of Suspects = 168

| Typ of Force Used | Number of Types of Force |
|--------------------------|---------------------------------|
| Empty Hand Control | 189 |
| Pointed Firearm | 134 |
| Discharged Firearm | 1 |
| OC Spray | 24 |
| CS/CN Gas | 0 |
| Taser | 29 |
| Pointed Taser | 1 |
| Impact Weapon | 1 |
| Diversionary Device | 0 |
| Hobble Restraint | 1 |
| Other (Spit Mask) | 0 |

2016

Total Use of Force = 317

Number of Suspects = 409

| Typ of Force Used | Number of Types of Force |
|------------------------------------|---------------------------------|
| Empty Hand Control | 85 |
| Pointed Firearm | 222 |
| OC Spray | 27 |
| Taser | 19 |
| Impact Weapon | 1 |
| Canine With Bite | 2 |
| CN/CS | 2 |
| Firearm Discharge | 1 |
| Other(Includes Diversionary Device | 3 |
| Personal Weapon | 6 |

2014

Total Use of Force = 140

Number of Suspects = 185

| Typ of Force Used | Number of Types of Force |
|--------------------------|---------------------------------|
| Empty Hand Control | 149 |
| Pointed Firearm | 145 |
| Discharged Firearm | 0 |
| OC Spray | 19 |
| CS/CN Gas | 0 |
| Taser | 16 |
| Pointed Taser | 6 |
| Impact Weapon | 5 |
| Diversionary Device | 0 |
| Canine Without Bite | 2 |

2017

Total Use of Force = 227

Number of Suspects = 280

| Typ of Force Used | Number of Types of Force |
|------------------------------------|---------------------------------|
| Empty Hand Control | 96 |
| Pointed Firearm | 150 |
| OC Spray | 33 |
| Taser | 22 |
| Canine With Bite | 2 |
| CN/CS | 2 |
| Firearm Discharge | 2 |
| Other(Includes Diversionary Device | 5 |
| Personal Weapon | 10 |

Conroe Police Department
2013-2018

2015

Total Use of Force = 214

Number of Suspects = 309

| Typ of Force Used | Number of Types of Force |
|--------------------------|---------------------------------|
| Empty Hand Control | 233 |
| Pointed Firearm | 182 |
| Drawing Firearm | 24 |
| OC Spray | 25 |
| Pointed Taser | 8 |
| Taser | 21 |
| Impact Weapon | 3 |
| Canine Without Bite | 1 |
| Canine With Bite | 1 |

2018

Total Use of Force = 312

Number of Suspects = 369

| Typ of Force Used | Number of Types of Force |
|------------------------------------|---------------------------------|
| Empty Hand Control | 123 |
| Pointed Firearm | 243 |
| OC Spray | 24 |
| Taser | 31 |
| Canine With Bite | 3 |
| CN/CS | 1 |
| Firearm Discharge | 2 |
| Impact Weapon | 3 |
| Other(Includes Diversionary Device | 3 |
| Personal Weapon | 18 |

| | | |
|---|--|-------------|
| GENERAL ORDER CONROE POLICE DEPARTMENT TITLE: USE OF FORCE | PAGE: 1 OF 7 | G.O.#: 5-01 |
| | EFFECTIVE: JANUARY 2, 2013 | |
| | REPLACES: G.O.# 5-01 ISSUED 09/01/2011 | |

1 PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of deadly and non-deadly force.

2 POLICY

The Conroe Police Department recognizes and respects the value and special integrity of each human life. The department places its highest value on the life and safety of the public and its officers. The department's policies, rules and procedures are designed to ensure that this value guides its police officers use of non-deadly and deadly force.

The citizens of Conroe have vested in their police officers the power to carry and use firearms in the exercise of their service to society. This power is based on trust and, therefore, must be balanced by a system of accountability. The serious consequences of the use of deadly or non-deadly force by police officers necessitates the specification of limits for officer's discretion as there is often no appeal from an officer's decision to use deadly force. Therefore, it is imperative that every effort be made to ensure that such use of force is not only legally warranted but also rational and humane.

The basic responsibility of police officers to protect life also requires that they exhaust all other reasonable means for apprehension and control before resorting to the use of firearms. Police Officers are equipped with firearms as a means of last resort to protect themselves and others from the immediate threat of death or serious bodily injury.

Even though all officers must be prepared to use their firearms when necessary the utmost restraint must be exercised in their use. Consequently, no officer will be disciplined for discharging a firearm in self-defense or in defense of another when faced with a situation that immediately threatens life or serious bodily injury. Just as important, no officer will be disciplined for not discharging a firearm if that discharge might threaten the life or safety of an innocent person, or if the discharge is not clearly warranted by the policy and rules of the department. Above all, this department values the safety of its employees and the public. Likewise it believes that police officers' use of force must be exercised with a high degree of restraint. Further, officers' use of force shall never be considered routine, and the use of deadly force is to be used in accordance with Chapter Nine (9) (justification excluding criminal responsibility) of the Texas Penal Code.

3 DEFINITIONS

- A. "Deadly Force": Any use of force that is likely to cause death or serious bodily injury.
- B. "Use of Force": Any use of force other than that which is considered deadly force.

4 PROCEDURES

A. Parameter for Use of Deadly Force.

1. Police officers are authorized to utilize firearms:
 - a. To protect the police officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury, or,
 - b. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur; and,
 - c. As authorized in Chapter 9, Texas Penal Code and within the provisions of the General Orders and other orders of the Department.
2. Before using a firearm, police officers shall, when feasible, identify themselves and state their intent to shoot.
3. The use of deadly force or firearms, by officers, is strictly forbidden; when:
 - a. Firing of firearms or use of deadly force in situations where the use of deadly force would not be in accordance with Chapter 9 of the Texas Penal Code.
 - b. Firing into buildings or other places where offenders are suspected of hiding, with the exception of those situations where there is no doubt of the offender's location and when deadly force or intended deadly force is being directed from that location at the officer or others.
 - c. In cases of criminal mischief, or escape from custody, unless the officer or others are in imminent danger of death or serious bodily injury.
 - d. Firing at a fleeing or stolen vehicle, unless an occupant of the vehicle is using or attempting to use deadly force against an officer or other person.
 - e. Firing "warning shots."
 - f. Shooting animals or other wildlife unless officers or other persons are in imminent danger of death or serious bodily injury.

Exception: Supervisory personnel of the rank of Sergeant and above are authorized to shoot wildlife or untagged canines and felines that are suffering from an injury that is obviously un-survivable. Livestock or any animal wearing an identifiable tag or I.D. will not be shot unless specifically requested by the rightful owner.
 - g. Discharging their firearms when doing so will endanger innocent persons.

4. The drawing and/or displaying of firearms by officers is permitted; when:
 - a. An officer, in the exercise of sound judgment, has reason to fear for his own personal safety or the safety of others (including, but not limited to, responding to serious crimes in progress; such as, robbery or aggravated assault, building search for a burglar, etc.) or,
 - b. An offender is suspected of having a deadly weapon in his possession. (The intent of this provision is to permit officers to protect themselves and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the purpose.)

B. Handling of Firearms.

1. Officers shall exercise the utmost care at all times in handling firearms.
2. Unnecessary handling of firearms in police facilities or in public is prohibited. No shotgun, rifle, or sub gun, either department or individually owned, cased or uncased, will be brought into the police building loaded. The weapon will be empty with the chamber open. All firearms will be loaded and unloaded with the muzzle pointing into a clearing barrel.
3. Unit supervisors shall regularly inspect the on-duty firearms carried by subordinate personnel for cleanliness, working order, etc.

C. Parameters for Use of Force.

1. Where deadly force is not authorized, officers should assess the incident in order to determine which less lethal technique or weapon will best de-escalate the incident and bring it under control.
2. Officers shall use only the minimal amount of force necessary to accomplish their police mission. The use of excessive force is strictly forbidden.
3. Police officers are authorized to use department-approved use of force techniques and issued equipment for resolution of incidents, as follows:
 - a. To protect themselves or others from physical harm; or,
 - b. To restrain or subdue a resistant individual; or,
 - c. To bring an unlawful situation safely and effectively under control.
4. The use of choke-holds or other physical manipulation to the throat or air-way of a suspect, or a strike to the throat, back of the neck or spine of a suspect is not authorized.
 - a. During the Use of Force Incident review process, an exception may be noted if there is sufficient reason to believe that the officer's or a third person's life was in such immediate danger that the use of a firearm or other deadly force would have been authorized.

D. Training and Qualifications.**1. Firearms.**

While acting in the capacity of a police officer, on-duty or off-duty, police officers shall carry only firearms and ammunition authorized by and registered with the department as specified in all General Orders governing qualification requirements, firearms control, and approved firearms.

2. Intermediate weapons.

- a. Police officers are not permitted to use an intermediate weapon unless qualified in its proficient use as determined by training procedures.
- b. The following intermediate weapons are authorized: straight baton, riot baton (4'), ASP baton, PR-24, O. C. pepper mace, tear-gas (CS/CN), Taser, specialized cartridges (ie. bean bag rounds, rubber pellets, etc.).

3. Improvised weapons.

- a. When under immediate attack or to intervene on the immediate attack of another, officers may use their flashlight or other readily accessible item as an impact weapon for immediate defense. The selection and use of such an improvised weapon must be reasonable and appropriate to the situation.
- b. Any physical object utilized as an improvised impact weapon will be used in a manner consistent with the techniques and application of force established by training (baton & defensive tactics) and use of force guidelines.

4. Restraint Techniques.

- a. When necessary (pursuant to arrest, etc.), officers will restrain individuals by handcuffing behind the back.
- b. Leg restraint straps may be used to secure an individual when handcuffing does not fully restrain the person. The approved technique is to use leg restraint straps to bind the suspect's legs together, then secure the strap in the door jam of the patrol vehicle and secure the person at the waist with the vehicle's seat belt.
- c. At no time shall officers utilize "hogtying" as a method to restrain an individual. "Hogtying" is defined as a four position binding of a person's wrists and ankles together behind the back.
- d. After securing individuals who have struggled vigorously, Officers will be alert for signs of "excited delirium", "positional asphyxia", or "cocaine psychosis" and closely monitor the individual throughout the arrest process, taking appropriate action or seeking medical assistance when necessary.

E. Protection of Persons, Their Rights and Their Property.

1. No officer shall arrest any person or search any premises or person except with a warrant of arrest, a search warrant, or where such arrest or search is authorized without a warrant under the laws of the State of Texas, the United States or the ordinances of the City of Conroe.
2. All employees shall protect the rights of all persons, whether in custody or not, and shall not in any way interfere with those rights; nor shall any officer verbally abuse or use any unnecessary physical force against any person.
3. No officer shall falsely arrest, imprison, or direct any malicious prosecution against any person.
4. No employee shall willfully mistreat or inflict inhumane treatment to any person held in custody.
5. Any officer who has lost, damaged or destroyed any property or equipment belonging to a person in custody or which has come into possession of said officer by reason of his office may be required to make restitution if the loss or damage is the result of negligence on the part of the officer.
6. If an officer uses force against any person the officer shall, as soon as practical and safe after the use of force, see to any medical needs of the person. Medical attention should be secured through local hospitals, EMS, Jail Medics, or other competent medical authority. This shall include injuries either visible or claimed by the person.

F. Reporting Uses of Force.

1. Officers shall submit a written report, according to departmental report procedures, when involved in the following situations.
 - a. When a firearm is discharged while the officer is acting in the capacity of a police officer (except for training purposes).
 - b. When any force above the level of verbal direction on the Use of Force Continuum (see Attachment - A) is utilized. This does not include routine frisking or handcuffing techniques.
 - c. When an intermediate weapon is used against a person. The threat of the use of an intermediate weapon, either implicit or explicit, without actual deployment of the weapon, will be considered verbal direction for reporting procedures.
 - d. When any use of force results in death or injury to a subject.
2. Supervisors will immediately review and evaluate all such reports and comply with administrative investigation procedures as required by the department as follows:

- a. When a firearm is discharged (except for training purposes).
 - b. When a use of force results in death or serious injury.
 - c. When a subject complains that an injury or unnecessary force has been inflicted upon them by an officer of this department.
 - d. When review or information concerning injury in use of force comes to the attention of the Department.
3. The Chief of Police shall cause all Use of Force reports to be maintained and compiled into an Annual Use of Force Report. The Chief of Police and his staff will analyze the annual report as to trends of use of force by personnel, training needs, equipment needs, and policy sufficiency.

G. Departmental Response.

1. Use of deadly force incident.
 - a. Where an officer's use of force results in the death or near death injuries to a person, the officer shall, at the discretion of the Chief of Police, be placed on administrative leave or administrative assignment after completing all internal investigative requirements.
 - b. The department shall conduct both an administrative and criminal investigation of the incident. The officer will remain on such leave and/or assignment until:
 - Initial administrative review of the incident indicates no inappropriate actions on the part of the officer, and
 - Initial criminal investigative review of the incident does not reveal any culpable behavior on the part of the officer, and
 - The officer has attended an individual counseling session with a Department-assigned psychologist or psychiatrist, or
 - As otherwise determined by the Chief of Police.
 - c. All incidents are subject to review by the District Attorney and the Grand Jury.
2. Administrative review of critical incidents.
 - a. All incidents, whether reported by members of the Department or the public, related to discharge of firearms (other than for training purposes), unnecessary use of force, or physical or verbal abuse by members of the department shall be reviewed by appropriate authority and in compliance with the administrative and criminal investigation procedures of the department.

- b. Where an officer's use of force results in serious injury to a person or is of such a nature as to require criminal investigative procedures to be initiated by the department, the officer shall, at the discretion of the Chief of Police be placed on administrative leave or administrative assignment until such time as the criminal investigation is concluded and the officer has had an individual counseling session with a Department-assigned psychologist or psychiatrist, or as otherwise determined by the Chief of Police.

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In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Samuel Sinyangwe

Filed via MuckRock.com
E-mail (Preferred): 77216-56649558@requests.muckrock.com

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CONROE POLICE DEPARTMENT

**Police Department**

2300 Plantation Drive
Conroe, Texas 77303

Business Hours

Monday-Thursday 8:00am-6:00pm

Friday 8:00am-5:00pm

Phone: 936.522.3200

Email: police@cityofconroe.org

Peace Officer Involved Shooting Reports

The Office of the Attorney General (OAG) will be adopting and publishing reporting forms for Officer-Involved Shooting Incidents, as required by H.B. 1036, 85th Leg., R.S. (2015), which became effective September 1, 2015.

Reports of Peace Officer Involved Injuries or Death

As required by Art. 2.139 of the Texas Code of Criminal Procedure, law enforcement agencies shall report all officer-involved injuries or deaths caused by the discharge of a firearm. For reports of this category (injuries or death to non-peace officer) a separate form will be created for each officer who causes injury or death through the discharge of a firearm.

- [02-09-16](#)
- [05-01-17](#)
- [01-28-18](#)

Reports of Injuries or Death of Peace Officer

As required by Art. 2.1395 of the Texas Code of Criminal Procedure, law enforcement agencies shall report all injuries or deaths of peace officers in the performance of an official duty caused by a person who is not a peace officer while discharging a firearm. For reports of this category (injuries or death of a peace officer) a separate form will be created for each person who causes injury or death to a peace officer through the discharge of a firearm.

- None since September 1, 2015